

The case of the petitioners is that they purchased the lands in question by way of registered sale deeds Nos.850/S/91 dated 10.09.1991; 851/S/91 dated 10.09.1991; 914/S/90 dated 26.9.1990 and 852/S/91 dated 10.09.1991 from the legal heir of one Koya Venka and that they have been in possession and enjoyment of the same without any interruption. It is stated that the Mandal Revenue Officer, Dahegao passed an order dated 29.06.1994 on the ground that the vendor of the petitioners was not the owner of

the lands in question, but, originally, the 4th respondent is the owner and thereby, ordered rectification of the revenue records to that effect. Aggrieved by the same, the petitioners filed a revision before the Joint Collector and the same was dismissed on 28.07.1997.

The main contention of the learned Counsel for the petitioners is that the 3rd respondent-Mandal Revenue Officer passed the impugned order without issuing any notice to the petitioners and without conducting any enquiry and hence the order of the 3rd respondent-Mandal Revenue Officer as confirmed by the 1st respondent-Joint Collector is illegal and contrary to the provisions of A.P. Records of Rights in Land Pattedar Pass Books Act, 1971 and rules therein.

A detailed counter-affidavit has been filed on behalf of respondents 1 to 3 stating that the 3rd respondent-Mandal Revenue Officer after issuing notice to the petitioners on 19.03.1994 passed the order dated 29.06.1994 declaring the 4th respondent as the genuine legal heir of the original pattedar C.Chinta Rajam and hence the said order cannot be said to be illegal.

But, a perusal of the impugned order dated 29.06.1994 makes it clear that no notice has been issued to the petitioners before passing the said order. Even assuming that a notice has been issued to the petitioners prior to passing of the order by the Mandal Revenue Officer as contended by the learned Government Pleader for Revenue, in the absence of any mentioning as to the issuing of the alleged notice either in the reference column or in the body of the order, there is no other go except to draw an inference that no such notice has been issued to the petitioners before passing the order by the Mandal Revenue Officer. In this view of the matter, I have no hesitation to hold that the order passed by the Mandal Officer as confirmed by the 1st respondent-Joint Collector, suffers from irregularity and as such, the same are liable to be quashed.

The writ petition is accordingly allowed and the order of the Mandal Revenue Officer as well as the Joint Collector are hereby quashed. However, this order does not preclude the official respondents to proceed against the petitioners in accordance with law after affording an opportunity to the petitioners as well as the affected parties. No costs.

25-01-2007
Gsn.

(GOPALA KRISHNA TAMADA, J)